

REMARKS

Claims 1, 2, 5-7, and 9-11 are pending in the application. Claims 1, 2 and 9 are independent.

Claim Rejections - 35 U.S.C. § 103

(a) Claims 1, 2 and 5-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowno et al. (US 2002/0093578A1) in view of Miyawaki et al. (USP 6,522,360). This rejection is respectfully traversed.

In the Office Action, the Examiner acknowledges that Kowno does not disclose where the image data that is recorded includes a non-magnified full image being sensed by the image sensing device, and data indicating position of the electronic zoom area or image data representing the image with the electronic zoom area.

Therefore, the Examiner relies on the Miyawaki reference and alleges that it discloses providing recording on the recording medium (103) image data output from said image sensing device (total image plane) AND image data representing the image with the electronic zoom area (child image plane).

As the Examiner states in the Office Action, Miyawaki shows, in Fig. 14 and describes in col. 13, lines 18-54, that an image corresponding to an image within the electronic zoom data (child image plane) and that the sensed image (total image plane) may be superimposed and recorded in a recording medium (113). In other words, Miyawaki records two (2) image data; i.e., the total image plane and the child image plane.

In contrast, in the claimed invention of the present application records "image data, including a non-magnified full image being sensed by the image sensing device . . . and data

indicating position of the electronic zoom area within the recorded non-magnified full image,” as recited in claim 1. Therefore, the present invention records only one (1) image data (the non-magnified full image). Although the present invention also records data that specifies a position of the electronic zoom area within the recorded non-magnified full image, this is not an image data. The foregoing feature of the present invention is disclosed in page 9, lines 9-20 of the specification of the present application.

Therefore, even assuming that Kowno and Miyawaki can be combined, which Applicants do not admit, one skilled in the art would, at best, modify the device of Kowno by recording 2 image data (the total image plane and the child image plane), and would not conceive recording only one (1) image data (the non-magnified full image) and data that specifies a position of the electronic zoom area within the recorded non-magnified full image, as required in claim 1 of the present application. Accordingly, Kowno in view of Miyawaki fails to disclose or suggest the “recording control unit,” as recited in claim 1.

Claim 2 is allowable at least for the similar reasons as stated in the foregoing with regard to claim 1.

Claims 5-7, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowno in view of Miyawaki, and further in view of Okamura (USP 6,788,345). This rejection is respectfully traversed.

At least for the similar reasons as stated in the foregoing with regard to claim 1, Kowno in view of Miyawaki fails to disclose or suggest the “recording control unit,” as recited in claim 9.

The Examiner relies on the Okamura reference to show that controlling the illuminating angle of a flash device according to the magnification varying information is known in the art.

Applicants respectfully submit, however, the even assuming that the Examiner’s interpretation of the Okamura reference is reasonable, Kowno in view of Miyawaki, and further in view of Okamura fails to disclose or suggest the “recording control unit” that includes “a non-magnified full image being sensed by the image sensing device, output from said image sensing device and data indicating position of the electronic zoom area within the recorded non-magnified full image,” as recited in claim 9.

Claim 10, dependent on claim 9, is allowable at least for its dependency on claim 9.

Claim 11, dependent on claim 2, is allowable at least for its dependency on claim 2.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the pending claims in the present application are respectfully requested.

The Examiner is respectfully requested to enter this Amendment After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Amendment After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi Reg. No. 40,417 at

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After Final Office Action of April 29, 2008

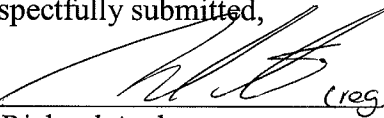
Docket No.: 0905-0254P

the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: August 26, 2008

Respectfully submitted,

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